

## **REMARKS/ARGUMENTS**

By the above amendment applicant has rewritten Claim 1 to define the invention more particularly and distinctly so as to more clearly define the invention patentably over the prior art. Support for the amendment can be found in the present application. Accordingly, no question of new matter should arise, and entry of this amendment is respectfully requested.

In the claims, Claim 7 has been canceled. Claims 1-6, 8-11, 13-15 are pending.

### **I. Rejection under 35 USC § 102(b)**

In the Office action mailed October 9, 2007, Claims 1-15 have been rejected under 35 USC 102(b) as anticipated by Privas, US5,417,258.

The Office Action contends that Privas teaches all of the limitations of claims 1-15 (Office Action, page 2). This contention is respectfully traversed.

Initially, it is noted that the Office has not identified where in Privas an alleged anticipatory teaching is to be found on all of the limitations of Claims 1-15. Still further, Applicant has carefully reviewed the remainder of patent to Privas, and finds no teaching of all of the limitations of claims 1-15. Thus, for at least this reason, Privas cannot anticipate claims 1-15.

A review of Figure 22 and particularly Figure 28 in US5417258 as taught by Privas, would indicate that in the device of the patent the “first part” and “second part” do not appear to actually interact. Furthermore, the specification of the patent indicates that actuator head 1 includes “a rigid outer shell 104 in which the actuator block 138 is secured.” (Col 15, lines 63-64). The Specification also states that

“In addition, the actuator head 1 includes a hook 107 extending at right angles relative to a radius from the common axis of the core 12 and of the pump 6 such that the hook 107 engages in the loop 106 and holds said loop 106.” (Col. 16, lines 52-56).

Thus, it would reasonably appear that the hook (107) of the patent is part of the actuator head (1) rather than part of the cover means such as the "first part" as required by amended claim 1. Further the hook (107) of the reference interacts with the loop (106) rather than with the indented portion of second part (104). Thus, the reference describes or discloses a device which differs significantly from that which is presently claimed. Accordingly, favorable reconsideration and withdrawal of the rejection of all the pending claims under 35 U.S.C. §102 are respectfully requested.

As noted above, the Office Action fails to specifically address even the expressly recited features of the pending independent and dependent claims. Under the Office's policy of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application. (MPEP §707.07(g)). It is submitted that the present application is not sufficiently informal, does not present an undue multiplicity of claims, or exhibit a misjoinder of inventions, so as to reasonably preclude a complete action on the merits. Thus, it is submitted that the Office's failure constitutes a failure to expeditiously provide the information necessary to resolve issues related to patentability that prevents the Applicant from, for example, presenting appropriate patentability arguments and/or rebuttal evidence. (See The Official Gazette Notice of November 7, 2003). Additionally, it is submitted that the Office's failure needlessly encourages piecemeal prosecution, which is to be avoided as much as possible. (MPEP §707.07(g)). Accordingly, in the event that the Office maintains the rejection of any of the independent and/or dependent claims, Applicant respectfully requests, in the interests of compact prosecution, that the Office apply art against each feature of each rejected independent and dependent claims, on the record, and with specificity sufficient to support a prima facie case of anticipation.

In order for a reference to be anticipatory within the meaning of 35 USC 102, that reference must teach each and every limitation of the claimed invention.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F. 3d 1292,

63 USPQ2d 1597 (Fed.Cir.2002); See Verdegaa Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2D 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the....claim. Richardson v. Suzuki Motor Co., CO F. 2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the instant case, the reference fails to account for the cover parts identified as “first part” and “second part” which interact to lock together as now required by claim 1 and as claimed in claim 13.

Accordingly, applicant respectfully requests reconsideration and withdrawal of this rejection.

## **II. Prior Art Made of Record**

The references that were cited but not relied upon are no more relevant than the reference that was relied upon.

### **REQUEST FOR INTERVIEW**

If any issue remains as an impediment to allowance, an interview with the Examiner is respectfully requested, prior to issuance of any paper other than a Notice of Allowance; and , the Examiner is respectfully requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

### **CONCLUSION**

For all of the above reasons, Applicant submits that the pending claims are now in proper form, and that the pending claims all define patentably over the prior art. Therefore, Applicant submits that this application is now in condition for allowance. If a telephone conference would aid in the prosecution of this case in any way, the Examiner is invited to call the undersigned at 703-550-1968.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 50-3321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3321.

Respectfully submitted,

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